

FILEDUNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 16 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JASON JAYAVARMAN,

Defendant-Appellant.

No. 18-30131

D.C. No.

3:13-cr-00097-SLG-1

District of Alaska,
Anchorage

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellant Jason Jayavarman's retained counsel, Philip Paul Weidner, Esq., filed a motion to withdraw as counsel on appeal and to permit Jayavarman to represent himself (Docket Entry No. 3). Appellant Jayavarman also submitted a pro se request to represent himself on appeal (Docket Entry No. 4). The motion and request were referred to the Appellate Commissioner pursuant to Ninth Circuit General Order 6.3(e).

On October 16, 2018, the Appellate Commissioner conducted a hearing to address Jayavarman's request for self-representation and waiver of the right to counsel. *See Hendricks v. Zenon*, 993 F.2d 664, 669 (9th Cir. 1993). Jayavarman appeared at the hearing by videoconference, and Assistant United States Attorney

gml/Appellate Commissioner

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Andrea Whittier Hattan and counsel Weidner appeared telephonically. A Khmer interpreter was also present and available in San Francisco.

The Appellate Commissioner informed Jayavarman at the hearing of the likely scope of this appeal and the remedies available for the issues that Jayavarman wished to present to this court. Jayavarman confirmed that he understood and requested that the court dismiss his appeal. Jayavarman stated that he understood that, if he dismissed his appeal, he would not be able to attack by direct appeal the sentence imposed by the district court.

Counsel Weidner's motion to withdraw as counsel is granted.

Appellant Jayavarman's oral motion for voluntary dismissal of this appeal is granted. Appellant's request to represent himself in this appeal is denied as moot. This appeal is dismissed. *See* Fed. R. App. P. 42(b).

The Clerk shall serve this order on appellant individually: Jason Jayavarman, BOP Reg. No. 17064-006, FCI Terminal Island, Federal Correctional Institution, P.O. Box 3007, San Pedro, CA 90733.

This order served on the district court shall act as and for the mandate of this court.